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Transition and Marginalization: Locating Spaces for Discursive Contestation in Post-Revolution Tunisia

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ABSTRACT *Transitions to democracy nourish expectations for an expansion of space for political liberalization, redistribution and recognition. From 2011 to 2013, the landscape for civil society in Tunisia widened with the establishment of several thousand associations. However, during this period vulnerable groups, including sexual minorities, perceived and experienced increased degrees of marginalization. This article analyses the potentialities and boundaries for members of homosexual communities in Tunisia as they manoeuvre through a post-revolution transition characterized by rapid expansions and contractions of the public sphere. It highlights the competing priorities within the public sphere, in particular those voices left on the periphery as a multiplicity of issues are presented for discursive contestation and argues that some groups effectively stand to become more marginalized during the transition to democracy than previously under authoritarian rule.*

*I was, I am and I will remain an activist. I will stay in this county,
it is mine and I will not let it go.*

–(LGBT activist, Tunisia)¹

In October 2011, Tunisia was the first post-‘Arab Spring’ country in the Middle East and North Africa to hold democratic elections. Transitions to democracy nourish expectations among a range of stakeholders, from individuals to the international community, for an expansion of space for political liberalization, redistribution and recognition. From 2011 to 2013, the landscape for civil society in Tunisia quickly widened with the establishment of several thousand new associations. As a consequence of the deregulation of the former and more rigid associational laws, organizations in the public sphere were able to engage more

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openly in a broad range of activities including civic activism, human rights, social welfare initiatives and direct outreach work with deprived communities across the country.² From January to October 2011 it is estimated that 1,700 new associations were created, with a further 600 civil society organizations registering between October 2011 to March 2012 (European Union, 2012: 5).

Individuals acting inside Tunisia's public sphere also re-appropriated the concept of *muwatana* (مواطنة) 'fellow citizens/compatriot' or the French *citoyenneté* or 'citizenship', where citizens felt engaged and mobilized as equal partners in the future of the country, with or without the state to accompany them along the way. This took the form of local collections for deprived communities, Tunisian students living overseas raising money to purchase emergency transportation for their local town, and even neighbourhood members meeting in a family's garage to plan support to marginalized women (Interview II, 2012). However, it is often easy to overlook the groups and actors that find spaces contracting around them as the priorities for democratization are outlined and the hierarchy of concerns push certain groups to the periphery. This tightening of certain spaces for individuals (and their rights) also underscores the complexity and unstable nature of democratization itself. Issues perceived as 'contentious' are sidelined in favour of those seen as 'acceptable' in the public sphere featuring the imaginings of a country's new national identity.

The concerns of sexual minorities in many countries in the Middle East and North Africa are often overshadowed and groups acting for/on behalf of homosexual communities are routinely persecuted when the line between discretion and visibility is crossed. Vulnerable groups, including sexual minorities, have perceived and experienced increased degrees of marginalization since the Tunisia uprising in 2010–11. As a specific case study, I follow the experiences of members of one of the homosexual communities in Tunisia that established the organization *Damj* ('reintegration') to further defend human rights and the rights of minorities, including lesbian, gays, bisexuals and transgender populations (LGBT).

This article observes how the *boundaries* and *potentialities* for sexual minorities in the public sphere in Tunisia evolved during the transition to democracy. It also describes the strategies homosexual communities employed to make advances in a highly contested and unstable post-revolution opportunity structure as described in the Introduction to this special issue by Huber and Kamel, as well as the key sites of conflict and contestation they encountered. I argue that these groups, which already represented a social periphery before the revolution, risk becoming more marginalized – even threatened – by the turbulence of shifting and dominant revolutionary priorities. Moreover, there is the dilemma that some vulnerable groups may experience greater freedom and security within liberal-authoritarian regimes than during transitions to democracy. This article begins by situating research with sexual minorities within the context of the disparate objectives of LGBT communities. It then articulates the concepts this study applies within the overall analytical framework of this volume, namely the diverse strategies vulnerable groups can adopt in a public sphere characterized by routine expansions and contractions; these openings and closures are partially caused by the conflation

between sex and ‘moral panics’ during transitions to democracy. Finally, the article describes empirically the multiple advances and challenges sexual minorities encountered in Tunisia in the two years following the uprising.

Researching Sexual Minorities in the Arab World

Similar to conceptualizations of ‘civil society’ within liberal frameworks, issues of homosexual identity and liberation have become linked to modernization trajectories. As will be further explored by Khalid in the subsequent article in this special issue on gender and sexuality in the ‘Arab Spring’, a country is increasingly deemed ‘modern’ depending upon the policies and laws it has in place to combat inequality and discrimination against LGBT communities.³ Furthermore, homosexual groups/organizations themselves are bestowed the recognition of modernity depending upon their chosen degree of visibility in the public sphere as activists calling for universal human rights, freedom from discrimination and violence, or ‘liberation’. Jason Ritchie (2010) allows space to conceptualize ‘different kinds of visibilities’ in relation to how LGBT activists and groups express and seek out defining (or not) their own homosexuality(ies) in relation to the western gay international. However, some scholars rely upon more homogenous understandings of how sexual identity is understood in regions outside the West, perhaps a tacit form of *Orientalism in reverse*. Joseph Massad (2002: 363), for example, argues that the discourse of the gay international ‘Both produces homosexuals ... where they do not exist, and represses same-sex desires and practices that refuse to be assimilated into its sexual epistemology’. Massad (2002: 373) contends that there is no evidence of LGBT movements anywhere in the Arab world or ‘Even of gay group identity outside of the small groups of men in metropolitan areas such as Cairo and Beirut’. However, Massad and other proponents of the ‘homosexual behaviour’ supposition negate the agency of homosexual actors in these countries whilst simultaneously side-lining the more fundamental issues of homophobia and violence. Both Ritchie and Rahul Rao underscore the inherent inconsistencies in Massad’s arguments whilst acknowledging the ‘Hierarchies and supremacism that lurk within the cosmopolitan politics of LGBT solidarity’ (Rao, 2010: 176).

When considering what these diverse agents were trying to achieve following the uprisings across the Middle East and North Africa (and the strategies they adopted to achieve these aims), it is more constructive to avoid approaches which rely primarily upon ‘essentialist diffusionism’ (Chabot & Duyvendak, 2002: 697–740). Chabot and Duyvendak (2002: 700–704) argue that analyses which take for granted that ideas and social movements originate in a western core and enter ‘receptive communities’ in the non-western periphery, trickling down to ‘traditional followers’ at the bottom, negate ‘How such cross border dissemination evolves or why it occurs in some times and places and not others’. They contend rather that transnational diffusion involves considerable ‘reinvention and pragmatist agency’ on the part of the actors themselves (2002: 707). This requires the acknowledgement of the tensions between ‘globalizing’ and ‘localizing’ when considering the overall objectives of these heterogeneous movements (Warner, 1993: xii). In determining

the exact boundaries and potentialities for these actors, a more profound analysis is required to ascertain whether or not, and to what degree, these groups are seeking political recognition and participation in the broader public sphere.

Following the uprisings in the Middle East and North Africa, limited research has so far looked to the impact on minority groups, sexual minorities in particular. This study focuses on the agency and voices of the activists as they depict their own perceptions and experiences during Tunisia's national endeavour toward a greater standard of democracy. This article was developed based on field research supported through the University of London School of Oriental and African Studies over the course of several months in Tunisia in 2012 and a follow-up visit in 2013 as part of my doctoral thesis into how the public sphere functions during transitions to democracy. The research relies primarily on in-depth interviews among a range of actors, namely with associations working in the domains of HIV/AIDS and human rights, alongside interviews with multilateral institutions and journalists.⁴ As with other research conducted following the Arab uprisings, the timing of the interviews often shaped the response of the interviewee (Gunning & Baron, 2013). Whilst I encountered an incredible openness among the different associative actors working with marginalized communities in 2012, unfortunately upon my return in 2013 I found that for many the residue of authoritarian rule had resurfaced.

Conceptualizing Strategies of Sexual Minorities in Periods of Transition

Sexual minorities in the Middle East and North Africa often find themselves on the periphery of their political and socio-cultural environment both spatially and in terms of difference or 'Otherness'. The recognition these groups achieve is contingent, on the one hand, on the (combination) of strategies they adopt and, on the other, on the spaces in which these strategies are chosen and pursued. Given the often precarious situation of minorities in transitions, I introduce additional concepts to the analytical framework of this collective volume, namely the diverse strategies of visibility sexual minorities can choose in the context of rapidly expanding and contracting 'public spheres' – a phenomenon often caused by 'moral panics' in periods of transition. The 'public sphere' effectively represents both a spatial arena to allow for multiple publics to engage in discursive contestation as well as a Habermasian ideal for rational critical discourse in which equal individuals participate as part of a larger public (Habermas, 1989). In this particular context, the 'public sphere' is to be understood neither as a singularity of publics nor as a multiplicity of publics (Fraser, 1990) but rather as a continuum between singular and plural as this domain expands and contracts perpetually throughout the different transformations of the state. As the 'public sphere' can also be characterized through Seteney Shami's (2009: 15–16) articulation of the notion of the 'integrative promise', this concept is able to provide disparate perspectives on civil society, private and public domains, urban social movements and sexual identity. In principle it serves as an analytical frame to observe the boundaries and potentialities different actors face in seeking recognition following the 2010–11 Tunisia uprising.

Such recognition could be related to identity, rights or simply the freedom from discrimination and violence. Nancy Fraser identifies a shift in the post-socialist terrain in which groups of actors are no longer simply 'economically defined classes' seeking an end to exploitation and means to greater distribution. Rather, these actors are also 'culturally defined' groups and 'communities of value' seeking to preserve their identities and to attain recognition (Fraser, 1997: 2). However, Fraser's contribution in this field is not simply that 'communities of value' are not required to choose between strategies which advocate either for distribution or recognition. Her primary impact lies in underscoring the difficult choices subaltern and marginalized groups must routinely make between strategies of publicity and visibility, and the protection that invisibility and discretion can offer. She argues:

It is not correct to view publicity as always and unambiguously an instrument of empowerment and emancipation. For members of subordinate groups it will always be a matter of balancing the potential uses of publicity against the dangers of the loss of privacy. (Fraser, 1997: 116)

In supporting public spheres that can allow for a multiplicity of views and counter-publics to emerge through discursive contestation, 'communities of value', such as homosexual communities, will encounter greater space to manoeuvre for recognition. She contends that 'Democratic publicity requires positive guarantees of opportunities for minorities to convince others that what in the past was not public ... should now become so' (Fraser, 1990: 71).

However, during transitions to democracy, it is not only possible to observe a public sphere with multiple conflicts and contentions among its disparate actors, but also the rapid expansions and contractions this domain experiences within a brief amount of time. These expansions and contractions are in part a result of emerging socio-political and socio-cultural dynamics that have a remarkable impact on the various groups that emerge during transitions as 'publics' and on those which will be designated as 'peripheral'. Such dynamics also affect the designation of the hierarchy of concerns for the transition to democracy within the public sphere, a catalogue of priorities that is articulated and re-articulated regularly. Therefore homosexuality can also become peripheral as an issue by virtue of its distance to mainstream socio-political issues.

Dennis Altman (2001: 2) aptly characterized sexuality as an area of 'constant surveillance and control' despite its inherent designation as that which is also 'natural and private'.⁵ Thus, when analysing new and emerging discourses on sexuality, the question of *who* gains from speaking about them should also be explored. Emerging discourses on sex are examined in this study through the concept of 'moral panics'. Altman (2001: 143) argues that "'Moral panics" can be understood both as specific populist reactions, and as calculated appeals by political and economic elites to these reactions as ways of winning popular support for other policy shifts'. Inciting such moral panics can lead to rapidly evolving political and socio-cultural contestation which inevitably can expand and contract the spaces available for sexual minorities.

How have the spaces for recognition of sexual minorities during the Tunisian transition to democracy expanded and contracted? Which strategies have members of homosexual communities employed to make advances in a highly contested and unstable post-revolution opportunity structure? What were the key sites of conflict and contestation they encountered? Ultimately, has the year 2011 reversed long-held assumptions of possibilities for political pluralism and liberalism in the Middle East and North Africa? Or is there likely to be a continuum of expansions and contractions in these spaces as not only the political but also the socio-cultural environment simultaneously create and destroy alliances, visions, approaches, concepts and ideologies as these 'democratic experiments' evolve?

Expanding and Contracting Spaces

At present it is illegal to engage in same-sex conduct in 78 countries and in five countries – the United Arab Emirates, Mauritania, Saudi Arabia, Yemen and Sudan – the death penalty can be invoked for homosexual activity (see also Whitaker, 2006: 112, 123).⁶ Those countries which have retained the death penalty all justify this punishment based on the foundations of Islamic law (Whitaker, 2006: 112). For other countries in the region, the penalty for sodomy in Bahrain is ten years' imprisonment; seven years in Kuwait; five years in Libya and Qatar; three years in Algeria, Oman, Morocco, Somalia and Tunisia; and one year in Lebanon and Syria (Whitaker, 2006: 123). The number of individuals prosecuted or arrested for same-sex offences in the Middle East and North Africa remains impossible to determine.

Alongside formal legal codes which persecute same-sex behaviour throughout the region, there is also discrimination, harassment and violence committed by state security forces as well as by individuals and groups at the community level acting on their own sense of moral authority. There are examples across the Middle East and North Africa of the flagrant abuse of authority against homosexual communities and equally homophobic acts committed by individuals that consequently, through non-response, can indicate sanctioning by state entities. For example, in May 2001, 52 men were sent to trial after a police raid on a Cairo discothèque known as 'Queen Boat'; 23 of the men were convicted and sentenced to prison terms of one to five years for 'immoral behaviour and contempt of religion' (Human Rights Watch, 2004: 2). Since this time, Human Rights Watch (2004: 2) has reported that it was aware of more than 170 men whose cases under the Egyptian law of 'debauchery' were brought before prosecutors. Furthermore, in March 2012, international human rights groups urged Iraqi authorities to investigate targeted killings against approximately 15 teenagers perceived to be gay. Young people with 'emo-like' features such as tight-fitting clothes and 'alternative' hairstyles were brutally stoned, beaten or shot (Associated French Press, 2012). It is even reported that some victims had their heads smashed with concrete blocks. The minister of interior continues to deny any homophobic or 'anti-emo' killings took place. Finally, in July 2012, Human Rights Watch reported that 36 men were arrested in Beirut in an adult cinema. The men were subjected to anal examinations to determine whether or not

they were homosexual (Human Rights Watch, 2012). These events, *at a minimum*, reflect the degree of stigmatization and violence against sexual minorities throughout the Middle East and North Africa.

In part, this discrimination stems from discourses which situate homosexuality within the context of an imported phenomenon, or ‘western borrowing’, as well as firmly within colonial discourses. Moreover, these discourses allow intermittent moral panics to (re)surface at *peculiar* times resulting in targeted discrimination and, in some cases, brutality. Brian Whitaker (2006: 140) attributes these crackdowns against homosexual communities on the part of the government as serving to ‘Appease moral outrage and make an example of a few people, but not so many as to cast doubt on the public fiction that there is little or no homosexuality in the country’. Since the 2010–11 uprising, LGBT communities in Tunisia have experienced noteworthy advances and have been able to manoeuvre in the public sphere to advocate for greater rights for sexual minorities and freedom from violence. However, they have simultaneously faced considerable contractions in the space to operate at the political as well as socio-cultural level.

Some Openings, in Some Places

In 1996, post-Apartheid South Africa became the first country in the world to explicitly integrate protections for the rights of gays and lesbians into its constitution (Croucher, 2002: 315). Since 1996, South African courts have decriminalized sodomy, ruled in favour of gay employees seeking benefits for their partners and supported immigration appeals for foreign partners of homosexual South Africans. Sheila Croucher (2002: 324) explains:

In South Africa, the availability of an anti-Apartheid master frame, rooted in respect for human rights and equality for all, helped galvanize gays and lesbians and to legitimate their demands in the eyes of politicians and society as a whole.

Given the historical precedent for increased opportunities in putting greater rights for minorities high on the agenda in other countries that passed through extreme periods of political transition, it should come as no surprise that soon after the 2011 Arab uprisings, different actors mobilized to take maximum advantage of these new spaces opening up in Tunisia. Some of Tunisia’s gay and lesbian activists worked quickly to maximize what could be achieved in what was perceived as a limited window of opportunity. A Tunisian journalist for an online news journal explained during the interview for the research: ‘This space was wide open – there was no police, no government, the political groups were not structured, anything was possible’ (Interview III, 2012).

In one of the first instances, homosexual communities participated in the *Atakni* (‘leave me in peace’) rally in October 2011 in protest at the significant conservative backlash against the broadcasting of the film *Persepolis*’ (see Chawki, 2011) and to counter threats to the principle of free expression. It is reported that several dozen

youths carried the large rainbow flag marked with the word 'PEACE' (Collins, 2012: 105). There was also a Tunisian online magazine *GayDay*, founded by a group of 'like-minded individuals' and maintained by editor-in-chief Fadi Krouj just after January 2011.⁷ In addition, 2012 marked the first year in Tunisia where members of LGBT communities publicly celebrated the International Day against Homophobia and Transphobia (IDAHOT), launching a declaration on behalf of these different communities. The statement reaffirmed LGBT rights by advocating, 'Stunned by the wind of revolt blowing over Tunisia, they no longer hid themselves, they fought for the right to employment and for dignity, as well as for sexual liberties' (Krouj, 2012).⁸

Not long after the Tunisian uprising, three male activists, Moazzam, Nasser and Kader, worked to establish the non-profit charity the Tunisian Association for Justice and Equality or *Damj* ('reintegration') in Arabic.⁹ The word *Damj* was chosen by the founders because it signified inclusion and alluded to the continued *exclusion* of minorities and vulnerable groups in Tunisia at the time. The men all worked as LGBT activists before the revolution and collaborated together through their work at one of the larger HIV/Aids associations in Tunis. *Damj* acquired its official associational status in October 2011, formally articulating its work to defend human rights and the rights of minorities, including the rights of LGBT. Kader, one of the principal founders of the organization, explained during the interview for the research:

We labelled the application as 'the fight against stigma and human rights' because we felt it needed to be as general as possible in order for it to be accepted ... The LGBT were some of the first groups to come out and speak about human rights before the revolution and we are the Tunisians who have been outwardly demonstrating against these injustices. On our marches and participation in the demonstrations, before and now, we bring the two flags – the LGBT flag and the Tunisian flag! (Interview I, 2012)

He stated that as a new association, 'We want to continue to mobilize young people to take this fight forward and to be strong advocates'. On the association's Facebook page (added in summer 2013) the organization outlines its goal to participate in spreading the culture of universal human rights, while specifically: anchoring the principles of citizenship and equality among Tunisian citizens; highlighting the factors which exacerbate marginalization and vulnerability; combating all forms of stigma and discrimination; developing partnerships and networks of mutual aims and understanding as they pertain to the fight against stigma and discrimination, and promoting human rights. Finally, the association stipulates that it aims to support individuals in precarious situations, those who are victims of injustices, to help them to attain their own physical and moral integrity. In a follow-up research interview with one of the founders in March 2013, Nasser, who was also involved in the high-profile Tunisian graffiti urban art group *Zwela* (see Ben Mhenni, 2013), said that his association was working to advocate the National Constituent Assembly to include issues of equality and justice for

minorities in the constitution. He hoped that *Damj* would be able to strengthen the rights of minority groups, including members of LGBT communities, and to document human rights abuses as a stronger advocacy tool for rights reform (Interview IV, 2012 & 2013).

In addition to the establishment of *Damj* after January 2011, different groups such as the Human Rights Observatory and the Tunisian Association for Minorities also came forward to engage more in the protection of individual human rights, including the rigorous documentation of human rights abuses against homosexual communities which some would argue increased since the uprising (see Mersch, 2012). Moazzam, one of the other founders of *Damj*, explained that there was significant violence and aggression against homosexual men, including homicide (Interview V, 2012). He added:

And of course we never see this information in the media, our friends tell us. There is no protection, there is not as much security, and this creates many problems. The law does not favour MSM (men who have sex with men). (Interview V, 2012)

In response to this perception of increasing violence, a group of human rights lawyers came together to form the Human Rights Observatory. The organization aimed to observe and collect information related to HIV and human rights violations including problems of abuse. The information would be used to advocate greater attention to universal human rights. In an interview with Walid, one of the principal proponents of the Observatory, he explained that regionally the issue of human rights was a very serious challenge indeed. He stated:

We will have to act now or we will lose this space. We have to adopt our discourse now so that this is not eventually turned against us. The rise in conservative discourse is worrying, and so we can no longer work as we did before. (Interview VI, 2012)

In addition to the establishment of the different forms of associations that aimed to work with minority groups since the 2010–11 uprising, there were also a host of regional initiatives that arose specifically to address how the revolutions across the Middle East and North Africa would impact upon LGBT communities. In *Sex and the Citadel*, Shereen El Feki cites the example of the establishment in 2010 of *Mantiqitna Kamb* ('our region's camp'). The regional network provides the opportunity for individuals working in LGBT communities to participate in clandestine workshops on issues such as sexuality, gender and activism, as well as training in life skills. The network stipulates that its key aim is to connect less through gay identity and more through Arab identity (El Feki, 2013: 270). Through the regional network, Kader and Nasser were able to attend a meeting organized in Turkey shortly after January 2011 of over 70 members of LGBT communities throughout the region. Nasser explained:

We wanted to make sure that everyone at this meeting was from this region as we felt this was *our* problem and we need to come up with our *own* solutions. So we tried to exchange experiences of this [the Arab Spring] and learn from each other. (Interview IV, 2012 & 2013)

In a follow-up interview regarding the regional meeting, he remarked ‘We felt we needed to be prepared because we were afraid of the worst ... There were many ideas but there were also so many different priorities among these (LGBT) groups’ (Interview IV, 2012 & 2013).

Finally, activists and academics working in HIV/Aids, in particular with homosexual communities, used the finalization of the 2012–16 National Strategic Plan (NSP) to Fight AIDS in Tunisia as a primary example of the advances that could be made in the post-revolution window of opportunity. Bio-behavioural surveys conducted in 2009 and again in 2011 indicated HIV prevalence of 4.9 and 13 per cent in men having sex with men (UNAIDS UNGASS, 2012: 8). Given these higher levels of prevalence, the NSP not only highlighted strategic objectives to intensify targeted prevention and education work with sexual minorities, but it also underscored the need to conduct advocacy regarding the current legal and juridical frameworks in Tunisia – namely the legal code 230¹⁰ – which persecutes and criminalizes same-sex behaviour with up to three years in prison (Minister of Public Health, 2012: 45). Radi, an academic and activist who worked on many of the HIV bio-behavioural studies conducted among youth and key populations at higher risk in Tunisia, argued that he and his colleagues would not have had the courage to produce a similar NSP before January 2011. He stated during the interview:

The NSP went through without exceptions ... Each time different actors are saying ‘now is not the time to be doing work on MSM’ but we now have very real and worrying data so now IS in fact the time to push these boundaries and now is the time to act ... But this can go against our objectives if we are not careful. (Interview VII, 2012)

Contracting Individual Liberties

Before the Tunisian uprising the former regime supported interventions to engage in outreach work with homosexual communities and permitted the United Nations Development Programme (UNDP) and the Joint United Nations Programme on HIV/ AIDS (UNAIDS), for example, to conduct in-depth research on multiple categories of homosexual practice across Tunisia. Since the revolution, however, a sequence of highly public incidents have re-animated national discussions and subsequent moral panics on the ‘moral–ethical’ dimensions of homosexuality (Collins, 2012: 104).

After January 2011, there was a rise in public conservative or Islamic discourse(s) at the political and socio-cultural levels (Borsali, 2012; Meziou-Dourai, 2012). Perhaps for the first time Tunisians were experiencing just how conservative their society really was as all issues were open for contestation, even debates which many thought would not be revisited, such as temporary marriage, polygamy, the

‘problem’ of single mothers, abortion and even more recently female excision (Khalsi, 2012). Sex was back on the agenda, causing the public sphere to become increasingly destabilized in part due to a ‘moral panic’. In post-revolution Tunisia, one was able to distinguish two facets of a ‘moral panic’ – the moral panic concerning the secular response to the growing emergence of Salafist ideology and their physical presence in the public sphere; and, specific to this case, the increasing conservative backlash against ‘liberal’ behaviour and identity attributed to the immorality and corruption of the former regime. This sense of ‘identity recovery’ manifested in various forms at the level of the ‘street’ when the post-revolutionary judiciary and security systems were at their weakest.

For example, in February 2011, during what was considered as a ‘wave of violence’, it is estimated that 2,000 ‘Islamists’ attacked a *maison close* (legally sanctioned brothel) in the old town of Tunis, followed by similar attacks on the *maisons closes* in Medenine, Sfax, Kairouan and Sousse, while sex workers were chased out and some of the establishments boarded and bricked over (Bensaïed, 2011). ‘Salafists’ also gathered in Sidi Bouzid in May 2012 to burn down bars and physically threaten the owners in protest against the sale of alcohol in the town (Ltifi, 2012). Moreover, it was reported that between 2012 and 2013 more than 100 cases of fire and looting were targeted at *zawiyas* (Sufi lodges) by Salafist forces (Blibech et al., 2014). Not only was the subject of women through the symbols of the headscarf and the *niqab* ‘strategic terrain’ in post-revolution Tunisia for national identity recovery, but minority groups and ‘behaviours’ such as among sex workers and sexual minorities also became targets for purifying the nation of the ‘impiety’ associated with the former regime (Haugbolle & Cavatorta, 2012). In effect, sex was used in conjunction with ‘moral panics’ by the ‘Islamists’ to demonstrate the immorality associated with the Ben Ali regime (or secular regimes in general), as well as by secular groups to highlight the extreme ‘Islamist’ tendencies of *Ennahda*. From each side, despite the peripheral nature of the issue, debates concerning sexual minorities were being articulated within a heavily charged terrain. It is this conservative backlash against ‘liberal’ behaviour that largely dictated the strategies LGBT communities would employ to advance their objectives.

Moreover, shortly after I arrived in Tunisia in January 2012, a lengthy YouTube video depicted the newly appointed minister of interior (and eventually prime minister in 2013), Ali Laarayedh, engaging in a sexual act with a male fellow inmate in a prison cell (Baeder, 2012a). The video was allegedly filmed while he was imprisoned for nearly 15 years as an opposition figure under Ben Ali. The broadcasting of the video sparked outrage and condemnation within the government, the media and the public sphere, and allowed many to further underscore the cruel tactics of the former Constitutional Democratic Rally (RCD) party and the security apparatus of the shadow state. However, the video also served to highlight the more general phenomenon of homophobia in the Arab world and globally. During the research interview Kader stated: ‘Homosexuality is used to humiliate someone in the worst way possible, it is the first thing someone raises now to humiliate and embarrass ... to delegitimize political figures for example (referring to the video)’ (Interview I, 2012).

During the two years following the 2011 Arab uprisings, spaces for political expression and for democratic liberalization in the political realm expanded; however, socio-cultural spaces in the public sphere regarding what was acceptable in the post-revolution era simultaneously contracted. Often individuals would remark that ‘now is the right time to talk about everything in Tunisia’, yet it seems in reality ‘everything’ had its limits. For example, homosexuality in Tunisia is virtually forbidden at three principal levels. At the political level Article 230 of the Tunisian penal code criminalizes same-sex relations. At the religious level, homosexuality, whilst not being officially *haram* in the Qur’an, is forbidden in *shariah* with punishments varying according to the school of *fiqh* (Islamic jurisprudence). Finally, at the socio-cultural level, homosexuality is highly stigmatized in the media and at the community level, in families and in the workplace. Kader explained in the interview, ‘Our society is schizophrenic, people say one thing and do the complete opposite’ (Interview I, 2012). He used the example of alcohol consumption and men in bars drinking, yet saying in the same breath homosexuality is *haram*. He stated:

The act of homosexuality is one thing, speaking about it is another. It is not the act that is forbidden here it seems. It is saying you are ‘homosexual’. When you want to express yourself, it is here where the problems begin. (Interview I, 2012)

In the interview with Nasser, he remarked that shortly after the 2010–11 uprising the different LGBT communities of Tunisia became afraid; eventually it was reported that hundreds of sexual minorities left the country. Nasser and Kader had both been subject to physical violence after 14 January 2011 through attacks in known ‘safe spaces’ for homosexual men. Nasser explained:

Before the 14th, the gay community in Tunisia did not necessarily live freely, but at least we lived in security ... Since the 14th, homophobic acts are clear and direct. Now everyone gives himself the right to criticize our way of dressing, to stare or to physically assault us. (Interview IV, 2012 & 2013)

His friend and colleague Kader was physically beaten trying to protect one of the known safe spaces from entry by intruders. When I remarked to Kader that this must have been very traumatic, he shrugged his shoulders and said ‘*je reste et je résiste encore*’ – I am staying and I am still resisting (Interview I, 2012).

Some would argue that during the Ben Ali regime, LGBT communities were not singled out as repression was targeted at political dissent in the form of opposition. However, after the uprising, as one member of an LGBT community in Tunisia remarked, ‘Don’t forget the Islamist parties who are trying to play the role of judge right now, and who view homosexuality and the gay community as a product of the former regime. They call it “rot” that must be cleaned away’ (quoted in Crary, 2011). Some also explained that whilst there is a specific penal code in Tunisian law which penalizes same-sex acts, it was not applied in practice (Mersch, 2012).

Nevertheless, members of homosexual communities reported having direct experience of the law being applied in theory as well as in practice even following the revolution. During the interview, Nasser described a friend who was reportedly robbed and beaten. The two perpetrators were caught by the police but they argued to the police that the victim was homosexual. Soon the victim himself was threatened with 11 months' incarceration under penal code in Article 230. Eventually he received a jail sentence of two months, and was forced to sign a confession that he was homosexual and had broken the law; often similar arrests are made under the offence of '*atteinte a la pudeur*' – or being at risk of offending the moral sensibilities of the population (Interview IV, 2012 & 2013).

There was (and continues to be at the time of writing) a blurred conflation between the legal, the religious and the moral in the transition government, media and society in post-revolution Tunisia. For example, the newly appointed minister for human rights, Samir Dilou, demonstrating the emerging heteronormative discourse on the part of the government as described by Khalid (2015), was quoted in a television interview in February 2012 speaking of homosexuality as 'a perversion to be medically treated' and that 'freedom of expression has its limits' (quoted in Baeder, 2012b). Of concern for human rights activists in Tunisia was this notion of '*pas les droits de l'homme, mais les droits de certains hommes*' – not of human rights but of rights only for some (Interview VI, 2012). Furthermore, in response to the demonstration organized on 28 January 2012 for liberty (and against violence), during which the LGBT rainbow flag was again featured, a Tunisian talk show host (who also interviewed the minister for human rights during which the aforementioned comments were made) condemned the protestors on his Facebook page, writing: 'Do we need further strife because a very small minority expresses its perversion ... not caring about the feelings and the sacred beliefs of a majority' (quoted in Baeder, 2012b)?

In an interview with Ouroub, a country representative for one of the United Nations Tunis-based offices, she explained:

In a way they [homosexuals] were a bit protected by the former system, but now this is perhaps the population which is the most stigmatized by the government, by the police and the larger society. They have suffered a lot of violence and unfortunately with this population they also have the highest HIV prevalence. (Interview VIII, 2012 & 2013)

Moreover, she remarked, 'So in a sense you have this enormous new opening but also very high and somewhat new stigma that was not there before' (Interview VIII, 2012 & 2013). One of the founders of *Damj*, Moazzam reluctantly admitted during the interview:

They [*Ennahda*] played on their words, on God and on religion, this is what I see at this time. Nothing is sure for the rights of homosexuals, personally I do not feel safe, I even have friends who have left the country out of fear ... Now, I do not want to live here. (Interview V, 2012)

Reports of discrimination and violence against LGBT communities in Tunisia both before and after the 2010–11 uprising spurred members to advocate for the addition of freedom from stigma and hostility/aggression to the democratic reform agenda. However, advocacy for the expansion of the post-revolution socio-political agenda was met with voices encouraging caution at home and abroad as members of the public sphere warned ‘now is not the time’. For example, I interviewed a group of journalists from a newly established Tunisian English-language news website who had published an article on homosexuality in Tunisia, just less than one year after the uprising (Samti & Belkhiria, 2012). The piece drew a range of responses from both within and outside the homosexual population. Muammar, one of the founders of the website, explained during the interview that when the article was being developed they asked a number of members of LGBT communities if the transition government should prioritize issues for homosexual populations. They reported that most, if not all, said no, ‘this was not the time’; furthermore, several of those consulted felt it would never be a good time (Interview III, 2012). The article cites Fedi: ‘Despite his strong conviction about the need for legally guaranteed rights for the homosexual community, [he] thinks that it is still too soon to officially demand them from the government’. Fedi explained: ‘Such a move would only destabilize the situation in which we are living, and cause more violence and more insecurity’ (quoted in Samti & Belkhiria, 2012).

These voices of caution also come from the ‘liberal’ associations themselves, which filtered and prioritized the reform agenda within the public sphere. For example, following the comments made by the minister of human rights against homosexuality (Baeder, 2012b), a number of members of LGBT communities signed a petition advocating for the homophobic comments made by the minister to be addressed by the Tunisian League of Human Rights as an illustration of the need to tackle homophobia in the new constitution. Despite the petition and open confrontation during one of the meetings of the organization, the human rights association concurred ‘now is not the time to address these issues in Tunisia’. Even when one looks outside the country across the Middle East and North Africa in the post-Arab Spring era, other members of LGBT associations advised against engaging in overt advocacy for greater rights for homosexual communities, such as establishing new LGBT associations. For example, El Feki describes a member of a well-known LGBT organization in Lebanon counselling caution to homosexual communities in Egypt, stating:

Now is not the time to say in Egypt ‘I want to establish an LGBT organisation’. There are foundational things that need to be laid first. You’re talking about a society in a huge sway of transition, and the building blocks of a more open and democratic society need to be laid down first. (El Feki, 2013: 269)

During transitions to democracy the space available for the ‘Other’, in particular minority groups, shrinks as actors manoeuvring in the public sphere attempt to make

as many ‘wins’ as possible without thwarting or reversing gains made. Voices are regularly marginalized in the name of democracy (and consensus) as some members of civil society are side-lined in favour of a singular, ‘acceptable’ public sphere featuring or modelled upon what Tunisia’s new national identity should resemble, rather than a multiplicity of publics operating in this domain. Consequently, one then begins to witness a minority that could move with relative freedom under the former system, finding itself being excluded from the imaginings of the newly emerging Tunisian ‘modern state’. During my return visit to Tunisia in March 2013, I learned that all three of the men who established *Damj* to defend human rights at the national level left Tunis for reasons of security – feeling unsafe as homosexual men in post-revolution Tunisia (Interview IV, 2012 & 2013). Activists Moazzam and Kader were given asylum in Europe and the United States, and Nasser moved outside of Tunis to an environment where he could find more like-minded peers. Nasser remarked that he thought Kader never recovered from the violence he experienced soon after January 2011. He explained that many of his own friends had left Tunisia following the uprising and that this has been a difficult time for him and his peers (Interview IV, 2012 & 2013). He ended by saying that there are regular homosexual attacks and that individuals are even killed (Ben Ammar, 2012). The reason given, he explained, is that it never relates to homosexuality (but rather to random untargeted criminal violence) so these instances of homosexual attacks continue to be impossible to prove.

Conclusion

Sexual minorities and the touchstone issue of homosexuality encompass three conceptual understandings of the ‘periphery’ in Tunisia following the uprising in 2010–11 – that of space, difference and distance. Throughout the transition in Tunisia, a variety of shifting priorities were fiercely contested within the discursive arena whereby dominant publics, both liberal and conservative, sought to marginalize the ‘Other’ to the periphery in order to constrain their possibilities (see Kamel & Huber, 2015). This marginalization was further facilitated through ‘moral panics’ produced at the political and socio-cultural levels seeking manifold forms of transitional justice associated with the impiety and corruption of the former regime. These ‘moral panics’ also heavily featured sex as a topic for national debate. Multiple discourses on sex consequently permitted both the liberal and conservative factions to emphasize the other’s unsuitability to govern post-revolution Tunisia. Each side could gain as these discourses scapegoated minorities and marginalized new voices attempting to emerge in the burgeoning public sphere. This marginalization was equally exacerbated by ‘liberal’ actors manoeuvring nervously in the public domain who were fearful of losing gains made over ‘peripheral’ issues during the transition. Actors who were hoping to maximize expanding opportunities to widen the discursive arena, such as LGBT activists, ultimately had to weigh the benefits of visibility to advocate for greater overall inclusion against freedom from discrimination over the risks of further violence and insecurity.

Some members of LGBT communities were able to make remarkable advances within the post-revolution opportunity structure in Tunisia. These actors explicitly chose to engage in a range of strategies to advocate recognition and freedom from discrimination alongside the manifold priorities thrown into the public sphere for discursive contestation. Actors working within these communities combined strategies of ‘publicity’ and ‘visibility’, such as participating in public demonstrations articulating the need for recognition through symbols such as the rainbow flag; appropriating social media such as Facebook to demonstrate solidarity with IDAHOT; establishing a formal association to combat stigma and discrimination against minorities, including LGBT; publicly countering homophobic statements through mass petitions; and working through a range of national and regional networks such as human rights groups, to articulate solutions to challenges for sexual minorities in Tunisia.

Nevertheless, these actors also believed they encountered increased marginalization at the individual/personal level as an outcome of this growing visibility at the political and socio-cultural level – even from among ‘liberal’ actors within the public sphere itself urging ‘now is not the time’. This highlights in particular the tensions between liberalism and pluralism, whereby in effect pluralism can entail the negation of discursive contestation during transitions to democracy. So whilst on one level they would adopt strategies of publicity and visibility at the socio-political level to advocate for greater rights and recognition, they would utilize tactics of discretion and invisibility at the socio-cultural level to fight for freedom from violence. Therefore, there is an inherent trade-off or significant boundary for LGBT activists who seek greater recognition and participation in the public sphere – the loss of individual liberties for political liberties; a trade-off which can hardly be sustained in an environment where discursive contestation and the ‘Other’ are met with intimidation and violence.

The example of the issue of homosexuality in Tunisia – and in some contexts what can often represent a benchmark for democracy – demonstrates that during post-revolutionary transitions, whilst associative spaces for enhanced political expression may expand, concurrently spaces for supporting minority populations may contract – even, in some cases, arousing nostalgia for a dictator. These expansions and contractions could be understood as perpetual features of the ‘modern’ state itself, where in the drive towards democratization and consensus new spheres of discursive contestation will be created in the public domain while concurrently old spaces will be destroyed. Actors manoeuvring in the public sphere encounter in effect a ‘permanent revolution’ (Arendt, 1963: 41) in which disparate views will be open to contestation and manifold priorities will often emerge as dominant over ‘peripheral’ views. Hence, democratization may spell the necessary inclusion of conservative agendas alongside liberal ones in which minorities, such as sexual minorities, can be further pushed to the periphery by political as well as socio-cultural forces. Perhaps these tensions can best be captured by one of the interviewees’ own words: ‘There are some openings in some places, but these are not openings for everyone – it depends on what exactly these openings are’ (Interview VII, 2012).

Disclosure statement

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Notes

1. Interview I, 2012.
2. During the first phase of Tunisia's transition the 'High Authority for the Realization of the Objectives of the Revolution, Political Reform and Democratic Transition' was established to oversee the transition from revolution to elections. Among its many remits it was also tasked with modifying the text on associational laws. For additional information see Zemni (2014) and Guellali (2011); and decree laws no. 14 of 23 March 2011 and no. 27 of 18 April 2011.
3. Countries that have recently adopted laws to criminalize same-sex behaviour, such as Uganda in 2014, are internationally condemned (see Saner, 2013).
4. All interviews referred to and referenced in this article were conducted by the author for this research unless specified otherwise; the names of the interviewees have also been changed to protect their identity.
5. Foucault has situated the inter-manipulation of sex and power – and in particular the multiplication of discourses on sex – in the beginning of the eighteenth century when there 'emerged a political, economic and technical incitement to talk about sex ... in the form of analysis, stocktaking, classification and specification' (Foucault, 1978 [Hurley ed., 1998: 24]).
6. Speech by the RT. Hon. John Bercow, MP, Speaker of the British House of Commons to the Kaleidoscope Trust IDAHOT event, 16 May 2012, <http://www.kaleidoscopetrust.com/features-bercow-speech-5-12.php>. It is important to note that some activists and academics (such as the International Gay and Lesbian Association) cite 81 countries as outlawing same-sex acts and Iran is also reported to invoke the death penalty for sodomy; this also does not include the passing of the Uganda Anti-Homosexuality Act in February 2014 that criminalizes same-sex acts.
7. <http://gaydaymagazine.com/>
8. Déclaration du 17 mai de la communauté LGBT Tunisienne, 17 May 2012 as featured in Krouj (2012).
9. Homosexual women also eventually became involved in the development of the organization *Damj* soon after its official establishment in Tunisia.
10. See: <http://www.jurisetunisie.com/tunisie/codes/cp/cp1200.htm>

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